

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 20th day of July, two thousand and six.

PRESENT:

HON. PIERRE N. LEVAL,
HON. ROBERT D. SACK,
HON. RICHARD C. WESLEY,
Circuit Judges.

Li Mei Liu,

Petitioner,

-v.-

No. 04-3479-ag
NAC

Alberto R. Gonzales,¹

Respondent.

FOR PETITIONER: Karen Jaffe, New York, New York.

FOR RESPONDENT: Glenn Suddaby, United States Attorney for the Northern District of New York, Brenda Sannes, Senior Litigation Counsel, William C. Pericak, Paul D. Silver, Assistant United States Attorneys, Albany, New York.

UPON DUE CONSIDERATION of this petition for review of the Board of Immigration

¹Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Alberto R. Gonzales is automatically substituted for former Attorney General John Ashcroft as the respondent in this case.

1 Appeals (“BIA”) decision, it is hereby ORDERED, ADJUDGED, AND DECREED that the
2 petition for review is hereby DENIED.

3 Li Mei Liu, a citizen of China, through counsel, petitions for review of the BIA’s order
4 affirming Immigration Judge (“IJ”) Adam Opaciuch’s decision denying Liu's claims for asylum,
5 withholding of removal and relief under the Convention Against Torture (“CAT”). We assume
6 the parties’ familiarity with the underlying facts and procedural history of the case.

7 When the BIA summarily affirms the decision of the IJ without issuing an opinion, *see* 8
8 C.F.R. § 1003.1(e)(4), this Court reviews the IJ’s decision as the final agency determination. *See,*
9 *e.g., Twum v. INS*, 411 F.3d 54, 58 (2d Cir. 2005); *Yu Sheng Zhang v. U.S. Dep’t of Justice*, 362
10 F.3d 155, 158 (2d Cir. 2004). This Court reviews the agency’s factual findings, including adverse
11 credibility determinations, under the substantial evidence standard. Nevertheless, “the fact that
12 the [agency] has relied primarily on credibility grounds in dismissing an asylum application
13 cannot insulate the decision from review.” *Ramsameachire v. Ashcroft*, 357 F.3d 169, 178 (2d
14 Cir. 2004). An adverse credibility determination must be based on “specific, cogent reasons” that
15 “bear a legitimate nexus” to the finding. *Secaida-Rosales v. INS*, 331 F.3d 297, 307 (2d Cir.
16 2003).

17 In this case, the IJ found Liu’s testimony non-credible and implausible because, among
18 other things: (1) Liu testified that the officials never looked for his wife at their home nor
19 questioned him with regard to his wife’s whereabouts; (2) Liu testified that his wife went into
20 hiding at his uncle’s home, yet the return address from the letter she sent and her household
21 register indicate that she is not in hiding; (3) it was implausible that the government would issue
22 a household register for Liu’s wife in light of the fact that she owed a 10,000 RMB fine; (4) Liu

1 testified that the physician who performed his wife's abortion did not first verify that she was
2 pregnant; and (5) Liu testified that his wife became pregnant in August 2000, yet he stated that
3 she was not due to give birth until September 2001. Except to the extent that his decision hinges
4 on background reports that do not appear in the record, the IJ provided "specific, cogent reasons"
5 that "bear a legitimate nexus" to his adverse credibility finding. *Zhou Yun Zhang*, 386 F.3d at 74.
6 Because we can confidently predict that the IJ would reach the same decision without relying on
7 the missing background reports, we see no reason to disturb his finding. *See Xiao Ji Chen v. U.S.*
8 *Dep't of Justice*, 434 F.3d 144, 162 (2d Cir. 2006).

9 Liu has not meaningfully challenged the IJ's denial of his withholding of removal claim
10 or his claim for CAT relief, in his brief to this Court. Issues not sufficiently argued in the briefs
11 are considered waived and normally will not be addressed on appeal. *See Yueqing Zhang v.*
12 *Gonzales*, 426 F.3d 540, 542 n.1, 546 n.7 (2d Cir. 2005).

13 For the foregoing reasons, the petition for review is DENIED. Having completed our
14 review, any stay of removal that the Court previously granted in this petition is VACATED, and
15 any pending motion for a stay of removal in this petition is DENIED as moot. Any pending
16 request for oral argument in this petition is DENIED in accordance with Federal Rule of
17 Appellate Procedure 34(a)(2), and Second Circuit Local Rule 34(d)(1).

18 FOR THE COURT:

19 Roseann B. MacKechnie, Clerk

20 By: _____

21 Oliva M. George, Deputy Clerk